

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference K12380/06854	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2005/000792	International filing date (<i>day/month/year</i>) 24 January 2005 (24.01.2005)	Priority date (<i>day/month/year</i>) 09 February 2004 (09.02.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant VOLKSWAGEN AG		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 7 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44 <i>bis</i> .3(c) and 93 <i>bis</i> .1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44 <i>bis</i> .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 03 October 2006 (03.10.2006) Authorized officer <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Yolaine Cussac</div>
Facsimile No. +41 22 338 82 70	e-mail: pt11@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

K12380/06854

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/000792

International filing date (day/month/year)

24.01.2005

Priority date (day/month/year)

09.02.2004

International Patent Classification (IPC) or both national classification and IPC

B60T13/74, B60T7/12, B60T7/08

Applicant

VOLKSWAGEN AG

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2005/000792

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2005/000792

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
1. Statement							
Novelty (N)	<table style="width: 100%; border: none;"><tr><td style="width: 30%;">Claims</td><td style="width: 50%; border-bottom: 1px solid black;">1-9</td><td style="width: 20%; text-align: right;">YES</td></tr><tr><td>Claims</td><td style="border-bottom: 1px solid black;"></td><td style="text-align: right;">NO</td></tr></table>	Claims	1-9	YES	Claims		NO
Claims	1-9	YES					
Claims		NO					
Inventive step (IS)	<table style="width: 100%; border: none;"><tr><td style="width: 30%;">Claims</td><td style="width: 50%; border-bottom: 1px solid black;">1-9</td><td style="width: 20%; text-align: right;">YES</td></tr><tr><td>Claims</td><td style="border-bottom: 1px solid black;"></td><td style="text-align: right;">NO</td></tr></table>	Claims	1-9	YES	Claims		NO
Claims	1-9	YES					
Claims		NO					
Industrial applicability (IA)	<table style="width: 100%; border: none;"><tr><td style="width: 30%;">Claims</td><td style="width: 50%; border-bottom: 1px solid black;">1-9</td><td style="width: 20%; text-align: right;">YES</td></tr><tr><td>Claims</td><td style="border-bottom: 1px solid black;"></td><td style="text-align: right;">NO</td></tr></table>	Claims	1-9	YES	Claims		NO
Claims	1-9	YES					
Claims		NO					
2. Citations and explanations:							
1	<p>In the present opinion, reference is made to the following documents:</p> <p>D1: DE 198 38 886 A1 (ITT MFG. ENTERPRISES, INC) 7 October 1999 (1999-10-07)</p>						
2	<p>Document D1 is considered to be the closest prior art. It discloses (the references between parentheses refer to this document):</p> <p>a method for activating an electric parking brake of a motor vehicle, in particular of a road motor vehicle,</p> <p>from which the subject matter of independent claim 1 differs in that:</p> <ul style="list-style-type: none">- initiation of a deactivation process for deactivating a drive engine of the motor vehicle is detected,- after the deactivation process has been initiated, the electric parking brake is first activated and only after that- is the drive engine deactivated.						

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000792

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

2.1 The subject matter of claim 1 is thus novel (PCT Article 33(2)).

The problem addressed by the present invention can therefore be considered that of increasing the operational reliability of the electric parking brake. As long as the drive engine of the vehicle is running, the power supply to the electric parking brake is ensured even when the battery is weak.

2.2 The solution proposed to this problem in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

The measures specified in the characterizing part of claim 1 do not constitute a development of the prior art known from D1 which is conclusive or obvious for a person skilled in the art since the other documents specified in the search report cannot be found to contain any corresponding indications to further develop a method for activating an electric parking brake having the features of the characterizing part of claim 1.

2.3 Claims 2-5 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

3 Document D1 is considered to be the closest prior art. It discloses (the references between parentheses refer to this document):

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000792

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

a device for activating an electric parking brake of a motor vehicle, in particular of a road motor vehicle, having

- an activation device (1) for generating an activation signal which activates the electric parking brake,

from which the subject matter of independent claim 6 differs in that:

an engine control device for controlling a deactivation process by which a drive engine of the motor vehicle is deactivated, and

- a detection device for detecting an initiation of a deactivation process for deactivating the drive engine, which device is connected to the activation device and to the engine control device, the activation device and the engine control device being configured and combined with one another in such a way that after the initiation of the deactivation process the electric parking brake is first activated by the activation signal and the operation of the drive engine is maintained during this time and only afterwards is the drive engine deactivated.

3.1 The subject matter of claim 6 is thus novel (PCT Article 33(2)).

The problem addressed by the present invention can therefore be considered that of providing a

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000792

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

device for implementing a method according to
claim 1.

3.2 The solution proposed to this problem in claim 6 of
the present application involves an inventive step
(PCT Article 33(3)) for the following reasons:

See reasons under point 2.2.

3.3 Claims 7-9 are dependent on claim 6 and therefore
likewise meet the PCT requirements for novelty and
inventive step.